



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 111th CONGRESS, SECOND SESSION

Vol. 156

WASHINGTON, WEDNESDAY, SEPTEMBER 29, 2010

No. 133—Book II

House of Representatives

□ 2020

LAW ENFORCEMENT OFFICERS SAFETY ACT IMPROVEMENTS ACT OF 2010

Mr. BOUCHER. Mr. Speaker, I move to suspend the rules and pass the bill (S. 1132) to amend title 18, United States Code, to improve the provisions relating to the carrying of concealed weapons by law enforcement officers, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 1132

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Law Enforcement Officers Safety Act Improvements Act of 2010”.

SEC. 2. AMENDMENTS TO LAW ENFORCEMENT OFFICER SAFETY PROVISIONS OF TITLE 18.

(a) IN GENERAL.—Section 926B of title 18, United States Code, is amended—

(1) in subsection (c)(3), by inserting “which could result in suspension or loss of police powers” after “agency”; and

(2) by adding at the end the following:

“(f) For the purposes of this section, a law enforcement officer of the Amtrak Police Department, a law enforcement officer of the Federal Reserve, or a law enforcement or police officer of the executive branch of the Federal Government qualifies as an employee of a governmental agency who is authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law, and has statutory powers of arrest.”.

(b) ACTIVE LAW ENFORCEMENT OFFICERS.—Section 926B of title 18, United States Code is amended by striking subsection (e) and inserting the following:

“(e) As used in this section, the term ‘firearm’—

“(1) except as provided in this subsection, has the same meaning as in section 921 of this title;

“(2) includes ammunition not expressly prohibited by Federal law or subject to the provisions of the National Firearms Act; and

“(3) does not include—

“(A) any machinegun (as defined in section 5845 of the National Firearms Act);

“(B) any firearm silencer (as defined in section 921 of this title); and

“(C) any destructive device (as defined in section 921 of this title).”.

(c) RETIRED LAW ENFORCEMENT OFFICERS.—Section 926C of title 18, United States Code is amended—

(1) in subsection (c)—

(A) in paragraph (1)—

(i) by striking “retired” and inserting “separated from service”; and

(ii) by striking “, other than for reasons of mental instability”;;

(B) in paragraph (2), by striking “retirement” and inserting “separation”;;

(C) in paragraph (3)—

(i) in subparagraph (A), by striking “retirement, was regularly employed as a law enforcement officer for an aggregate of 15 years or more” and inserting “separation, served as a law enforcement officer for an aggregate of 10 years or more”; and

(ii) in subparagraph (B), by striking “retired” and inserting “separated”;;

(D) by striking paragraph (4) and inserting the following:

“(4) during the most recent 12-month period, has met, at the expense of the individual, the standards for qualification in firearms training for active law enforcement officers, as determined by the former agency of the individual, the State in which the individual resides or, if the State has not established such standards, either a law enforcement agency within the State in which the individual resides or the standards used by a certified firearms instructor that is qualified to conduct a firearms qualification test for active duty officers within that State;”;

(E) by striking paragraph (5) and replacing it with the following:

“(5)(A) has not been officially found by a qualified medical professional employed by the agency to be unqualified for reasons relating to mental health and as a result of this finding will not be issued the photographic identification as described in subsection (d)(1); or

“(B) has not entered into an agreement with the agency from which the individual is separating from service in which that individual acknowledges he or she is not qualified under this section for reasons relating to

mental health and for those reasons will not receive or accept the photographic identification as described in subsection (d)(1);”;

(2) in subsection (d)—

(A) paragraph (1)—

(i) by striking “retired” and inserting “separated”; and

(ii) by striking “to meet the standards” and all that follows through “concealed firearm” and inserting “to meet the active duty standards for qualification in firearms training as established by the agency to carry a firearm of the same type as the concealed firearm”;

(B) paragraph (2)—

(i) in subparagraph (A), by striking “retired” and inserting “separated”; and

(ii) in subparagraph (B), by striking “that indicates” and all that follows through the period and inserting “or by a certified firearms instructor that is qualified to conduct a firearms qualification test for active duty officers within that State that indicates that the individual has, not less than 1 year before the date the individual is carrying the concealed firearm, been tested or otherwise found by the State or a certified firearms instructor that is qualified to conduct a firearms qualification test for active duty officers within that State to have met—

“(I) the active duty standards for qualification in firearms training, as established by the State, to carry a firearm of the same type as the concealed firearm; or

“(II) if the State has not established such standards, standards set by any law enforcement agency within that State to carry a firearm of the same type as the concealed firearm.”;

(3) by striking subsection (e) and inserting the following:

“(e) As used in this section—

“(1) the term ‘firearm’—

“(A) except as provided in this paragraph, has the same meaning as in section 921 of this title;

“(B) includes ammunition not expressly prohibited by Federal law or subject to the provisions of the National Firearms Act; and

“(C) does not include—

“(i) any machinegun (as defined in section 5845 of the National Firearms Act);

“(ii) any firearm silencer (as defined in section 921 of this title); and

“(iii) any destructive device (as defined in section 921 of this title); and

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



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“(2) the term ‘service with a public agency as a law enforcement officer’ includes service as a law enforcement officer of the Amtrak Police Department, service as a law enforcement officer of the Federal Reserve, or service as a law enforcement or police officer of the executive branch of the Federal Government.”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. BOUCHER) and the gentleman from Texas (Mr. POE) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia.

GENERAL LEAVE

Mr. BOUCHER. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the legislation now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. BOUCHER. Mr. Speaker, I yield myself such time as I may consume.

(Mr. BOUCHER asked and was given permission to revise and extend his remarks.)

Mr. BOUCHER. Mr. Speaker, I rise this evening in strong support of the Law Enforcement Officers Safety Act Improvements Act of 2010.

In 2004 the Congress approved the bipartisan Law Enforcement Officer Safety Act, which allows qualified retired and current law enforcement officers to carry a concealed firearm anywhere in the United States. The law requires that retired officers maintain appropriate firearms training and be current in that training.

Since enactment of the law, qualified retired officers have faced varying and inconsistent certification procedures from State to State, and that complicates their ability to carry a firearm and be properly certified to do so.

The bill that is before the House tonight was introduced in the other body by the Judiciary Committee chairman, Senator LEAHY, and it was introduced here in the House by my Virginia colleague (Mr. FORBES).

It modernizes the existing law in these very necessary respects. It will reduce from 15 to 10 the number of years a law enforcement officer must serve to be eligible to carry a firearm as a retiree with full privileges under the existing law. The 15-year requirement in current law inappropriately excludes many qualified retirees who go into law enforcement as a second career, often following their first career in the Armed Forces.

It will give retired officers more flexibility in obtaining certification to carry a firearm, while still maintaining rigorous standards for retirees who apply for this benefit. Our measure will clarify that a retiree can meet the qualifications requirement using either the standards of the agency at which the retiree formerly served, or those of the State in which the retiree currently resides.

It will also allow a certified firearms instructor qualified under State law to conduct the firearms qualification test for retired law enforcement officers.

It ensures that law enforcement officers of the Amtrak Police Department, the Federal Reserve, and the executive branch of the Federal Government are authorized to carry firearms under the law. And it also eliminates the requirement that retirees have nonforfeitable retirement benefits in order to qualify. That requirement unfairly excludes retirees from many of the smaller law enforcement agencies around the country which do not offer these retirement benefits.

Allowing the trained active and retired law enforcement officers to carry firearms on a nationwide basis enhances public safety by ensuring that officers have not only the means to defend themselves, but also the means to defend innocent victims from acts of violence. It also appropriately honors the men and women who so well protect our neighborhoods and protect our communities and our way of life.

The measure before us this evening was approved unanimously by the Senate in July. It is a commonsense, bipartisan measure that will ensure that retired law enforcement officers who have served honorably will be able to obtain the benefits conferred by the 2004 law. I urge approval of the measure.

Mr. Speaker, I reserve the balance of my time.

Mr. POE of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today the House considers S. 1132, the Law Enforcement Officers Safety Act Improvements Act of 2010. This bill was introduced as the Senate companion to H.R. 3752, a bill of the same name introduced by Mr. FORBES of Virginia, a distinguished member of the Judiciary Committee.

S. 1132 makes improvements to the Federal law that authorizes law enforcement officers who are currently serving, who are retired, or who are separated in good standing to carry a concealed weapon anywhere in the country, notwithstanding State or local laws to the contrary.

This bill reduces the period an officer must serve before gaining eligibility to carry firearms as a retiree. Under current law, only officers with 15 years of service are “qualified.”

This requirement prevents some officers who entered into law enforcement as a second career, for example, those that have served nobly in our military, from realizing the law’s benefits. Today’s legislation reduces the service requirement from 15 years to 10 years.

S. 1132 also clarifies firearms training requirements and makes them a lot more flexible. This bill enables a retiree to meet the mandatory firearms re-qualification standard, either through the agency he or she formerly served with, or through the State where he or she currently resides.

Most importantly, this legislation provides additional current and retired officers the means to defend themselves and their families from the hardened, often vengeful criminals they have previously arrested somewhere in this country.

The legislation is supported by law enforcement associations, including the Fraternal Order of Police and the National Rifle Association.

I urge my colleagues to support the bill.

Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia (Mr. FORBES), a member of the Judiciary Committee who has introduced a similar bill in the House.

Mr. FORBES. Mr. Speaker, like the other two Members, I rise in strong support of Senate bill 1132, the Law Enforcement Officers Safety Act Improvements Act of 2010. As has been mentioned, the Senate bill is a companion to legislation I sponsored in the House.

S. 1132 improves the current Federal law that authorizes active and retired police officers to carry firearms throughout the United States. The premise of that law was simple: allowing trained, active-duty, and retired law enforcement officers to carry firearms to enhance public safety.

Further, the law provides clear, uniform nationwide rules to replace the variety of local laws that create confusion and uncertainty as to whether an officer may carry a firearm when he or she is off duty.

The legislation that the House considers today expands the definition of qualified law enforcement officers to include current and retired officers of the Amtrak Police Department, the Federal Reserve System, and other agencies of the executive branch. S. 1132 further expands the categories of law enforcement officers authorized to possess a firearm in a school zone to include retired law enforcement officers.

Mr. Speaker, in a time when homeland security is paramount, this authority provides the country with additional trained and armed first responders at no additional cost to the taxpayers.

There is a long history of armed off-duty officers coming to the rescue in life threatening situations. This legislation expands the areas where these officers can be equipped for the emergencies they are trained to respond to.

In passing this legislation, Congress acknowledges the need for retired officers to have the opportunity to protect themselves and their families. The oath to serve and protect our communities is not nullified when officers retire.

Mr. Speaker, I urge my colleagues to support this bill.

Mr. POE of Texas. Mr. Speaker, I yield back the balance of my time.

Mr. BOUCHER. Mr. Speaker, I urge approval of this measure, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by

the gentleman from Virginia (Mr. BOUCHER) that the House suspend the rules and pass the bill, S. 1132.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

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VETERANS' BENEFITS ACT OF 2010

Mr. FILNER. Mr. Speaker, I move to suspend the rules and concur in the Senate amendments to the bill (H.R. 3219) to amend title 38, United States Code, to make certain improvements in the laws administered by the Secretary of Veterans Affairs relating to insurance and health care, and for other purposes.

The Clerk read the title of the bill.

The text of the Senate amendments is as follows:

Senate amendments:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Veterans’ Benefits Act of 2010”.

(b) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. References to title 38, United States Code.

TITLE I—EMPLOYMENT, SMALL BUSINESS, AND EDUCATION MATTERS

Sec. 101. Extension and expansion of authority for certain qualifying work-study activities for purposes of the educational assistance programs of the Department of Veterans Affairs.

Sec. 102. Reauthorization of Veterans’ Advisory Committee on Education.

Sec. 103. 18-month period for training of new disabled veterans’ outreach program specialists and local veterans’ employment representatives by National Veterans’ Employment and Training Services Institute.

Sec. 104. Clarification of responsibility of Secretary of Veterans Affairs to verify small business ownership.

Sec. 105. Demonstration project for referral of USERRA claims against Federal agencies to the Office of Special Counsel.

Sec. 106. Veterans Energy-Related Employment Program.

Sec. 107. Pat Tillman Veterans’ Scholarship Initiative.

TITLE II—HOUSING AND HOMELESSNESS MATTERS

Sec. 201. Reauthorization of appropriations for Homeless Veterans Reintegration Program.

Sec. 202. Homeless women veterans and homeless veterans with children reintegration grant program.

Sec. 203. Specially Adapted Housing assistive technology grant program.

Sec. 204. Waiver of housing loan fee for certain veterans with service-connected disabilities called to active service.

TITLE III—SERVICEMEMBERS CIVIL RELIEF ACT MATTERS

Sec. 301. Residential and motor vehicle leases.

Sec. 302. Termination of telephone service contracts.

Sec. 303. Enforcement by the Attorney General and by private right of action.

TITLE IV—INSURANCE MATTERS

Sec. 401. Increase in amount of supplemental insurance for totally disabled veterans.

Sec. 402. Permanent extension of duration of Servicemembers’ Group Life Insurance coverage for totally disabled veterans.

Sec. 403. Adjustment of coverage of dependents under Servicemembers’ Group Life Insurance.

Sec. 404. Opportunity to increase amount of Veterans’ Group Life Insurance.

Sec. 405. Elimination of reduction in amount of accelerated death benefit for terminally-ill persons insured under Servicemembers’ Group Life Insurance and Veterans’ Group Life Insurance.

Sec. 406. Consideration of loss of dominant hand in prescription of schedule of severity of traumatic injury under Servicemembers’ Group Life Insurance.

Sec. 407. Enhancement of veterans’ mortgage life insurance.

Sec. 408. Expansion of individuals qualifying for retroactive benefits from traumatic injury protection coverage under Servicemembers’ Group Life Insurance.

TITLE V—BURIAL AND CEMETERY MATTERS

Sec. 501. Increase in certain burial and funeral benefits and plot allowances for veterans.

Sec. 502. Interment in national cemeteries of parents of certain deceased veterans.

Sec. 503. Reports on selection of new national cemeteries.

TITLE VI—COMPENSATION AND PENSION

Sec. 601. Enhancement of disability compensation for certain disabled veterans with difficulties using prostheses and disabled veterans in need of regular aid and attendance for residuals of traumatic brain injury.

Sec. 602. Cost-of-living increase for temporary dependency and indemnity compensation payable for surviving spouses with dependent children under the age of 18.

Sec. 603. Payment of dependency and indemnity compensation to survivors of former prisoners of war who died on or before September 30, 1999.

Sec. 604. Exclusion of certain amounts from consideration as income for purposes of veterans pension benefits.

Sec. 605. Commencement of period of payment of original awards of compensation for veterans retired or separated from the uniformed services for catastrophic disability.

Sec. 606. Applicability of limitation to pension payable to certain children of veterans of a period of war.

Sec. 607. Extension of reduced pension for certain veterans covered by Medicaid plans for services furnished by nursing facilities.

Sec. 608. Codification of 2009 cost-of-living adjustment in rates of pension for disabled veterans and surviving spouses and children.

TITLE VII—EMPLOYMENT AND REEMPLOYMENT RIGHTS OF MEMBERS OF THE UNIFORMED SERVICES

Sec. 701. Clarification that USERRA prohibits wage discrimination against members of the Armed Forces.

Sec. 702. Clarification of the definition of “successor in interest”.

Sec. 703. Technical amendments.

TITLE VIII—BENEFITS MATTERS

Sec. 801. Increase in number of veterans for which programs of independent living services and assistance may be initiated.

Sec. 802. Payment of unpaid balances of Department of Veterans Affairs guaranteed loans.

Sec. 803. Eligibility of disabled veterans and members of the Armed Forces with severe burn injuries for automobiles and adaptive equipment.

Sec. 804. Enhancement of automobile assistance allowance for veterans.

Sec. 805. National Academies review of best treatments for chronic multisymptom illness in Persian Gulf War veterans.

Sec. 806. Extension and modification of National Academy of Sciences reviews and evaluations on illness and service in Persian Gulf War and Post-9/11 Global Operations Theaters.

Sec. 807. Extension of authority for regional office in Republic of the Philippines.

Sec. 808. Extension of an annual report on equitable relief.

Sec. 809. Authority for the performance of medical disability examinations by contract physicians.

TITLE IX—AUTHORIZATION OF MEDICAL FACILITY PROJECTS AND MAJOR MEDICAL FACILITY LEASES

Sec. 901. Authorization of fiscal year 2011 major medical facility leases.

Sec. 902. Modification of authorization amount for major medical facility construction project previously authorized for the Department of Veterans Affairs Medical Center, New Orleans, Louisiana.

Sec. 903. Modification of authorization amount for major medical facility construction project previously authorized for the Department of Veterans Affairs Medical Center, Long Beach, California.

Sec. 904. Authorization of appropriations.

Sec. 905. Requirement that bid savings on major medical facility projects of Department of Veterans Affairs be used for other major medical facility construction projects of the Department.

TITLE X—OTHER MATTERS

Sec. 1001. Technical corrections.

Sec. 1002. Statutory Pay-As-You-Go Act compliance.

SEC. 2. REFERENCES TO TITLE 38, UNITED STATES CODE.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

TITLE I—EMPLOYMENT, SMALL BUSINESS, AND EDUCATION MATTERS

SEC. 101. EXTENSION AND EXPANSION OF AUTHORITY FOR CERTAIN QUALIFYING WORK-STUDY ACTIVITIES FOR PURPOSES OF THE EDUCATIONAL ASSISTANCE PROGRAMS OF THE DEPARTMENT OF VETERANS AFFAIRS.

(a) **EXTENSION.**—Paragraph (4) of section 3485(a) is amended by striking “June 30, 2010” each place it appears and inserting “June 30, 2013”.

(b) **ACTIVITIES IN STATE VETERANS AGENCIES.**—Such paragraph is further amended by adding at the end the following new subparagraphs:

“(G) Any activity of a State veterans agency related to providing assistance to veterans in obtaining any benefit under the laws administered by the Secretary or the laws of the State.